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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,926	08/21/2001	David Grawrock	SYMA-01045US0MCF/GGG	8871
23910	7590	03/24/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111				CALLAHAN, PAUL E
		ART UNIT		PAPER NUMBER
				2137

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/934,926	GRAWROCK ET AL.	
Examiner	Art Unit		
Paul Callahan	2137		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 August 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-49 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-49 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) . . . . .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) . . . . .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date . . . . .  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

1. Claims 1-49 are pending in this application.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3 and 33-49, drawn to a system for protecting access constrained information comprising a data providing means for providing data of an identified file, an interceptable access mechanism for processing file access requests from users or application programs, an access control mechanism with a permissions rule database and permissions control means for applying permissions rules, classified in class 705, subclass 51.
  
- II. Claims 4 and 5, drawn to a software program product embodied in a memory medium for instructing a computing device to carry out a file characterizing process for use in implementing a file access request including a determination whether the file is covered by OTF encryption processing and bubble-protection processing, classified in class 713, subclass 193.

- III. Claims 6-15, and 19, drawn to a method for processing file-opening requests by determining if the file is resident on remote or easily removable media, and if so determining if the file is associated with access control rules, classified in class 707, subclass 1.
- IV. Claims 16-18 and 20-25, drawn to a method for managing access constrained files and their associated access rules by keeping both stored locally in the same removable memory medium or remote machine, classified in class 707, subclass 1.
- V. Claims 26-32, drawn to a client machine for use in a network for storing access constrained files with access control rules defined by data stored at the primary place of residence of the files comprising; a file importing means, a constraining means for constraining access to the files based on locally resident rules or imported copies of non locally stored rules. classified in class 705, subclass 51.

3. Inventions I, II, III, IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case: invention I has a separate utility as a system for protecting access-controlled data files, where the system comprises a means for providing data associated with a requested file, an interceptable

access means for processing file requests, an access control means containing a permissions database and a permissions control means for applying the access permission rules, with a separate utility, for example, as a stand-alone gateway server in a network; invention II has separate utility such as a software application gateway directing a generic computer operating system to apply a set of rules or filter regulating file access, with a separate utility, for example, as a gateway server operating system application; invention III has a separate utility as a method step in processing file access requests by a determination of whether the file is resident on remote or removable media and whether a set of access rules is based upon that determination, with a separate utility, for example, as a method useful in a gateway server access evaluation process for determining if a file in memory has an access rule associated with it; invention IV has a separate utility as a method of operating a file access gateway wherein file access is regulated by a set of rules kept in close association with the file(s) useful, for example, as a method step in a gateway server process evaluating file access requests where the process evaluates the request based upon locally stored rules; and invention V which has a separate utility as a client machine used in a network as a storage location for access-controlled files and the associated access control rules defined by data stored in close association with the files useful, for example, as a workstation in a network. See MPEP § 806.05(d).

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

3/3/05

*Paul Callahan*

*Andrew Caldwell*  
ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER